



TEXAS HIGHER EDUCATION COORDINATING BOARD

P.O. Box 12788 Austin, Texas 78711

FILE # ML-39146-96

September 30, 1996

I.D. # 39146

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The Honorable Dan Morales
Attorney General of Texas
P.O. Box 12548
Austin, Texas 78711-2548
Attention: Sarah Shirley, Chief, Opinions Committee

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OCT 2 1996

RE: Request for Attorney General Opinion

Opinion Committee

Dear General Morales:

Robert Young, legal counsel for Dallas County Community College District, has asked the Coordinating Board to submit a request for an Attorney General's Opinion. Mr. Young's inquiry is as follows:

1. Is a community college authorized to charge a mandatory technology fee by §54.503(a)(1) or §54.504(a) of the Texas Education Code? Section 54.503 authorizes institutions to charge student services fees, while §54.504 authorizes incidental fees. A mandatory technology fee would be charged by the institutions to purchase computer hardware and software and support services related to the technology for the direct use and benefit of students. While not expressly authorized by §54.503 or §54.504, the language of both provisions could be interpreted to authorize such a fee.
2. If the technology fee is authorized under either of the foregoing provisions, is it subject to the provisions of §54.503(b)-(f) relating to student services fees?
3. May a county-wide community college district, with seven separately accredited colleges throughout the district, transfer student services fees collected pursuant to §54.503 between different colleges in the district regardless of which college collected the fees?

Thank you for your assistance.

Sincerely,

Kenneth H. Ashworth

cc: Robert J. Young
Dr. J. William Wenrich



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

March 21, 1997

Dr. Richard Fonte, President
Austin Community College
5930 Middle Fiskville Road
Austin, Texas 78752

Dr. J. William Wenrich, Chancellor
Dallas County Community College District
701 Elm Street
Dallas, Texas 75202-3299

Dr. John Pickelman, Chancellor
North Harris Montgomery Community College District
250 North Sam Houston Parkway, East
Houston, Texas 77060


Re: Whether a community college district may charge and collect from its students a mandatory technology fee, and related questions (RQ-929)

Dear Gentlemen:

Our office received a request for an attorney general opinion from Mr. Kenneth Ashworth, Commissioner of the Texas Higher Education Coordinating Board in the above-referenced matter. As this matter may be of interest to your clients or members, we would like to give you the opportunity to submit a brief. If we do not hear from you by April 19, 1997, we will proceed to issue the opinion without benefit of a brief from you.

If you have any questions, please do not hesitate to call me.

Sincerely,


Sarah J. Shirley
Chair, Opinion Committee

SJS/BEG/mc

Ref.: RQ-929



Texas Higher Education COORDINATING BOARD

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FACSIMILE

To: Sarah Shirley
Of: Office of the Attorney General
Fax: 472-6538
Phone: 463-9911
Pages: 1, including this cover sheet.
Date: March 18, 1997

We would appreciate the following community colleges be given the opportunity to provide a brief on RQ-929 re: the ability of community college district to charge a technology fee, and related questions. Thank you.

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From the desk of...Lynette Heckmann
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